



October 27, 2023

VIA ECF

Hon. Arun Subramanian
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 15A
New York, New York 10007

**Re: Wenger S.A. v. Olivet International Inc.
S.D.N.Y. Case No. 1:20-cv-01107-AS
Renewed Letter Motion to Seal And Redact**

Dear Judge Subramanian,

We represent defendant Olivet International Inc. ("Olivet") in the above referenced action by plaintiff Wenger S.A. ("Wenger"). Pursuant to Your Honor's October 16, 2023 Order (DE 249) denying without prejudice Olivet's Letter Motion to Seal (DE 243), and Your Honor's Individual Rules and Procedures for Civil Cases and Court's standing order, 19-mc-00583, and ECF Rules & Instructions, section 6, Olivet files this Renewed Letter Motion to Seal and Redact regarding several of the documents submitted in support of Olivet's Motion for Summary Judgment ("Olivet's SJM") (DE 244-247). I have consulted with each party and relevant non-party regarding the material that they both designated as "Confidential" or "Highly Confidential" under the Protective Order entered in this action on July 31, 2020 and maintain should be sealed or redacted. The sealing and redaction requests of Olivet and non-party Walmart Inc. are below. Counsel to SwissTech IP Co. informed me that they would file their own motion to seal and/or redact. Counsel to Wenger has not provided redactions of any documents and so this motion renews Wenger's requests to seal as made prior to the filing of Olivet's SJM.

Olivet International, Inc.

Olivet requests redactions to the deposition transcript of Peter Lin (Ex. D to Olivet's SJM, filed under seal at DE 246-4) with respect to portions containing sensitive and non-public financial information, tax information, confidential business relationships, strategies, product development and manufacturing processes, corporate structures, and corporate decision making. Olivet also requests redactions to an email string with attachments (Ex. L to Olivet's SJM, filed under seal at DE 246-12) among personnel of Olivet, Walmart, and Olivet's manufacturing affiliate that contains sensitive information concerning Olivet's design and manufacturing processes, and Walmart's approval processes, and includes attachments containing confidential design information. Olivet also requests the sealing of an exhibit summarizing financial information of Olivet, Walmart and SwissTech IP Co. (Ex. M to Olivet's SJM, filed under seal at DE 246-13). Disclosure of this information could put Olivet at a competitive disadvantage or provide competitors with information through which they could obtain a competitive advantage. Pursuant to of Your Honor's Individual Practice Rules for Civil Cases 11.C., Olivet will

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separately file a publicly available versions of the documents with the redactions, and sealed versions with the proposed redactions highlighted.

Walmart Inc.

Non-party Walmart requests that the deposition transcripts of Vincent Keenan (Ex. H to Olivet's SJM, filed under seal at DE 246-8), Kristina Owen (Ex. J to Olivet's SJM, filed under seal at DE 246-10), and Toia Vandiver (Ex. K to Olivet's SJM, filed under seal at DE 246-11) be redacted to keep confidential portions that reveal Walmart business strategy, processes for how decisions are made, factors considered in decision-making, confidential terms of contracts, confidential product lists, competitors, internal organization of associates and job details, and confidential pricing factors. Walmart's counsel has conveyed that the disclosure of these details could jeopardize Walmart's place in the market. Pursuant to Your Honor's Individual Practice Rules for Civil Cases 11.C., Olivet will separately file publicly available versions of the documents with the redactions and sealed versions with the proposed redactions highlighted.

Walmart also requests the sealing in its entirety of the Trademark License Agreement between Walmart and Galaxy Brands LLC (Ex. I to Olivet's SJM, filed under seal at DE 246-9) to protect the confidentiality of its contractual terms. Swisstech IP Co.'s counsel has advised that they too will request that this document be sealed, and that they will move separately for such relief.

Wenger S.A.

Plaintiff Wenger asked, prior to the filing of Olivet's SJM, that Olivet file under seal the Group III Income Statement (Ex. O to Olivet's SJM, filed under seal at DE 246-15), the deposition transcript of John Pulichino (Ex. B to Olivet's SJM, filed under seal at DE 246-2), and an email string with the Bates numbers G3-009791 to G3 009792 (Ex. N to Olivet's SJM, filed under seal at DE 246-14). Pursuant to Your Honor's Individual Practice Rules for Civil Cases 11.C., Olivet will separately file the exhibits under seal.

Olivet's and Walmart's requests are GRANTED. Wenger's request is GRANTED with respect to the income statement, but otherwise DENIED WITHOUT PREJUDICE. Wenger will have one more chance, by **November 9, 2023, at 5:00 p.m.**, to produce a redacted version of Mr. Pulichino's transcript and the email thread. Or it may argue why the whole transcript and thread must be filed under seal, though the Court is skeptical of that position. SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: October 31, 2023